

Amendments to the Drawings:

Formal drawings were submitted with a mailing date of May 16, 2006. Approval by the Examiner is respectfully requested.

REMARKS

Currently claims 1 and 4-12 are pending in the application.
Claims 1 and 4-12 have been rejected.

Claim 1 has been cancelled.

Claims 1 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes (US Pat. No. 6345128) in view of Miyazaki et al. (US Pub. No. 2005/0231631).

The Examiner states that Stokes does not disclose expressly providing a plurality of exposure correcting transforms which correct exposure for the captured digital image; and that said particular transform is determined by a user.

Applicants have previously argued that Stokes only derives a single exposure algorithm that was determined by Psychophysical data. The present invention as set forth in claim 1 starts with a plurality of exposure and tone scale correcting non-linear transforms. In element b these transforms are applied to a digital image to produce a plurality of visual transformed images on a display. Miyazaki et al. provides a plurality of exposure correcting transforms. Miyazaki et al. does not provide a transform that corrects for both exposure and tonescale. In Miyazaki et al., an image capture device is used to capture a plurality of images of the same scene. During this capture process, different exposures are used and then the images with the different exposures are displayed to the user. The user then selects the one that is preferable. One problem with this arrangement is that it is when these multiple images are captured, the captured images can be different from one another. See Fig. 18. The present invention is concerned with a single image and teaches how to make the best print from that image. Element c of claim 4 of the present invention requires that the user determines the most satisfying image from a plurality of visual printed transformed images. This is not the same as showing a plurality of images on a screen of a digital camera. The present invention offers significant advantages of Miyazaki et al. It takes into consideration, printed images from a particular printing device. Miyazaki et al. in effect, has multiple images which can be different and are only corrected for exposure and are viewed on a display. Viewing an image on a display does not insure that the most desirable quality

printed image can be produced. A optimum image for display generally is not an optimum image when printed and will vary from printer to printer.

Stokes et al. only have a single derived image transform that is used to produce prints from multiple images. Clearly, Stokes et al. does not suggest or provide any motivation for the present invention. Miyazaki et al. sequentially captures multiple images of a scene that can vary and displays these images. Miyazaki et al. only corrects for exposure of these sequential images. The present invention starts with a single image and provides a plurality of exposure and tonescale correcting non-linear transforms to an image which is then printed. The user selects the most satisfying print and causes that one to be printed. Applicants fail to see how Miyazaki et al. and Stokes et al. can even be combined to provide any suggestion of the present invention.

Claims 1 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes (US Pat. No. 6345128) in view of Miyazaki et al. (US Pub. No. 2005/0231631) and further in view of Shalit (US Pat. No. 5345315).

Stokes et al. and Miyazaki et al. have been discussed above.

As previously pointed out in a prior amendment, Shalit uses a xerographic hard copy image for forming a grayscale test image. Shalit does disclose displaying a visual digital image on a display so that the differences on a display from a printed image can be correlated. The density differences in grayscale are then used by a computer to adjust a single tone scale reproduction curve. There are not a multiplicity of tone scale reproduction curves in Shalit and here again, in a xerographic process there is a single exposure. Applicants fail to find any motivation in Shalit for the subject of claim 4 where a plurality of exposure and tone scale correcting transforms are provided. Here again, multiple images are made and then a selection is made as to the most satisfying print image. Shalit's invention is motivated by the difficulty of matching video displayed images to hard copy images and teaches a way to do that. Shalit's method is not practical in varied user environments that include variability in lighting, printing and display characteristics. The present invention avoids this difficulty by printing a plurality of images using different transforms and having the user make a visual selection from the prints.

Applicants can not find any reason why Shalit or the other references can be combined to in any way suggest or provide motivation for the

present application. The purpose of the cited references are different than the present invention which desires to obtain an aesthetically pleasing printed image from a single image.

Claims 6 and 7 have been amended to reflect the correct claim dependency.

In view of the foregoing, it is believed that none of the references, taken singly or in combination, disclose the subject matter of claim 4. The remaining claims depend upon claim 4 and should therefore be allowed along with it. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray L. Owens', written over a horizontal line.

Attorney for Applicant(s)
Registration No. 22,363

Raymond L. Owens/djw
Rochester, NY 14650
Telephone: 585-477-4653
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.